

EV301026775US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. B-4618DIV 621849-9

Anticipated Classification  
of this application

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior application: 10/153,348

Examiner: Lan Vinch

Art Unit: 1765

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**EV301026775US**

Sir:

**CONTINUATION OR DIVISIONAL FILING UNDER 37 C.F.R. § 1.53(b)**

22278 U.S. PTO  
10/840162

050504

This is a request for filing a  
[ ] Continuation                [X] Divisional  
application under 37 C.F.R. § 1.53(b), of pending prior U.S.  
Application Serial No. 10/153,348 filed on May 21, 2002 of (1) Ronfu CHU (2) Li-Wu TSAO for "CMP MACHINE DRESSER AND METHOD FOR DETECTING THE DISLODGEMENT OF DIAMONDS FROM THE SAME".

1. Prior Application

[X] I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application (USSN 10/153,348), including 5 pages of specification, 2 pages of claims, 1 page of abstract, the oath or declaration (3 pages), and 2 sheets of drawings (Figs. 1-4) as originally filed. The attached true copy constitutes the above-identified divisional application (please also see 8 for drawing requirements.)

NOTE: Under 37 C.F.R. § 1.53(b) practice, signing and execution of the application by the applicant may be omitted provided the application is a continuation or divisional which adds neither new matter nor new inventors to the parent application, and a copy of the original declaration or oath from the parent application is supplied with the new application - 37 C.F.R. § 1.63(d)(1)

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper and the documents referred to as attached therein are being deposited with the United States Postal Service on this date May 5, 2004 in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Number EV301026775US addressed to the

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450"

Katherine Nieva

(Type or print name of person mailing paper)

Katherine Nieva

(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing - 37 C.F.R. § 1.10(b).

37 C.F.R. § 1.53(b) - Page 1 of 4

2. Amendments

[ ] Cancel in this application original claims \_\_\_ of the prior application before calculating the filing fee.

[X] A preliminary amendment is enclosed.

NOTE: Only amendments reducing the number of claims will be entered before calculating the final fee.

3. Fee Calculation

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CLAIMS FOR FEE CALCULATION

Number Filed	Number Extra	Rate	Basic Fee
			\$770.00
Total <u>Claims</u>	$6 - 20 =$	0 x	\$ 18.00
Independent <u>Claims</u>	$1 - 3 =$	0 x	\$ 86.00
Multiple dependent <u>Claim(s), if any</u>		0 x	\$ 290.00

[ ] The fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendments, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

Filing fee calculation \$ 770.00

4. Small Entity Status

[ ] a verified statement that this is a filing by a small entity is attached.

[ ] a verified statement has previously been filed in the parent application (37 C.F.R. § 1.28 (a)).

Filing fee calculation (50% of above) \$   

NOTE: If a verified statement is filed within two (2) months of the date of payment of the first fee then the excess fee paid will be refunded on request. Notice of January 20, 1983. 1027 TMOG 114.

5. Fee Payment Being Made At This Time

Not enclosed

[ ] no filing fee is submitted. This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.

Enclosed

[X] filing fee \$ 770.00

6. Method of Payment of Fees

[X] enclosed is a check in the amount of \$ 770.00

[ ] charge account number 12-0415 in the amount of \$

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid - 37 C.F.R. § 1.22(b)

7. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees which may be required to Account No. 12-0415:

37 C.F.R. § 1.16 (filing fees and presentation of extra claims)

37 C.F.R. § 1.17 (application processing fees)

37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application...prior to paying...issue fee."

8. Drawings

Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) the applicant, (2) the assignee of record or (3) the attorney or agent of record authorized by 37 C.F.R. § 1.138 and before payment of issue fee.)

NOTE: DO NOT check this box if prior case is not to be abandoned.

Transfer the following sheet(s) of drawings from the prior application to this application \_\_\_\_\_

NOTE: Transferring sheets must be cancelled in prior application 37 C.F.R. § 1.88

Drawings are enclosed (see true copy of prior application USSN 10/153,348)

9. Priority - 35 U.S.C. 119

Priority of application Serial No. 90128314 filed on November 15, 2001 in TAIWAN is claimed under 35 U.S.C. 119.

The certified copy has been filed in U.S. Application No. 10/153,348 filed on May 21, 2002.

10. Relate Back - 35 U.S.C. 120

The Preliminary Amendment presents an amendment to the specification to relate this divisional application to its parent.

11. Assignment

The prior application is assigned of record to NANYA TECHNOLOGY CORPORATION

Attached is the following number of Assignments: 1 and respective new Cover Sheets. (Do NOT file old cover sheets.)

12. Power of Attorney  
CUSTOMER NO.: 36716

- a.  The power appears in the original papers in the prior application
- b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c.  A copy of the executed Supplemental Declaration/Power is enclosed herewith.
- d.  Address all future communications to:

Richard P. Berg  
c/o LADAS & PARRY  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036-5679

- e.  An Associate Power of Attorney has been executed and is attached.

(May only be completed by applicant, or attorney or agent of record).

13. Maintenance of Copendency of Prior Application

- A petition, fee and response has been filed to extend the term in the pending prior application \_\_\_\_\_ until \_\_\_\_\_.

May 5, 2004  
Date

Ross C Schmitt  
Signature  
Ross Schmitt  
Registration No. 42,529

Address of Signatory

c/o LADAS & PARRY 5670 Wilshire Boulevard Suite 2100 Los Angeles, Ca 90036-5679 Telephone No. (323) 934-2300 Telefax No. (323) 934-0202	<input type="checkbox"/> Inventor(s) <input type="checkbox"/> Assignee of complete interest <input checked="" type="checkbox"/> Attorney or agent of record <input type="checkbox"/> Filed under Rule 34(a)
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REGARDING THE U.S. PATENT APPLICATION OF:

Ronfu CHU, et al.

ENTITLED: "CMP MACHINE DRESSER AND METHOD FOR DETECTING THE DISLODGEMENT OF DIAMONDS FROM THE SAME"

New U.S. Divisional patent application based on USSN 10/153,348  
Our Ref: B-4618DIV 621849-9

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EV301026775US

Date of Deposit: May 5, 2004

I hereby certify that the following attached papers or fee:

- postcard
  - check no. 18895 for \$770.00
  - Transmittal letter with Certification under 37 CFR 1.10 (4 pages)
  - Preliminary amendment (5 pages)
  - True copy of parent application U.S. Patent Appln. No. 10/153,348 consisting of: 5 pages of specification, 2 pages of claims, 1 page of abstract, the oath or declaration (4 pages), and 2 sheets of drawings (Figs. 1-4)
- as originally filed
- Claim to Priority (1 page)
  - Assignment document (1 page) with Cover Sheet (1 page), and check no. 18896 for \$40.00

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

Katherine Nieva

(Typed or printed name of person mailing paper or fee)

  
(Signature)